

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Kent Smith,

Petitioner,

vs.

Case No. 1:20-cv-00994

Warden, London Correctional Institution,

Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Magistrate Judge's August 9, 2021 Report and Recommendation ("R&R"). (Doc. 12). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. (Doc. 12 PagID 46); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Although objections were due to the Court by August 23, 2021, none have been filed.

Accordingly, it is hereby **ORDERED** that the R&R (Doc. 12) is **ADOPTED in full**. Consistent with the recommendations by the Magistrate Judge, it is hereby **ORDERED** that (1) Petitioner's pro se petition for a writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice as premature; (2) Petitioner's motion to stay the matter (Doc. 3) is **DENIED** as moot; (3) a certificate of appealability will not issue because Petitioner has not made a substantial showing of the denial of a constitutional right that is remediable at this juncture in this proceeding; and (4) the Court certifies that, with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of this Order

adopting the R&R would not be taken in good faith, and Petitioner is **DENIED** leave to appeal in forma pauperis.

IT IS SO ORDERED.

/s Michael R. Barrett _____
Michael R. Barrett, Judge
United States District Court